Neb. 17, 67 N. W. 887; *Metropolitan R. Co.* v. *Jones,* 1 App. D. C. 200; *Asbury* v. *Charlotte E. R. & P. Co.,* 125 N. C. 568, 34 S. E. 654; *Ashtabula R. T. Co.* v. *Holmes,* 67 Ohio St. 153, 65 N. E. 877; *Memphis St. R. Co.* v. *Shaw,* 110 Tenn. 467, 57 S. W. 713. On the ground that a carrier is not an insurer of the safety of its passengers, the following cases announce the doctrine in accord with the principal case, that a conductor or other person in charge of a street car is bound *only to use the highest degree of care to see and know* that no passenger is in a dangerous position. *Colorado & C. R. Co.* v. *McGeorge,* 46 Colo. 15, 102 Pac. 747, 133 Am. St. Rep. 43; *Atlantic R. Co.* v. *Ramsdall,* 117 Ga. 165, 43 S. E. 412; *North Chicago St. R. Co.* v. *Cook,* 145 Ill. 551, 33 N. E. 958; *Wabash River T. Co.* v. *Baker,* 167 Ind. 262, 78 N. E. 196; *Louisville & S. I. T. Co.* v. *Korbe.* (Ind.) 94 N. E. 768; *Millmore* v. *Boston Elev. R. Co.,* 194 Mass. 323, 80 N. E. 445, 11 L. R. A. (N. S.) 140, 120 Am. St. Rep. 558. It is submitted that the same duty is imposed upon the employees of the street railway company under both rules, and that the conflict consists only in the question of the definition of that duty. In the interests of uniformity the courts should agree upon a uniform statement of the rule.

COMMERCE—CONFLICTING STATE AND FEDERAL REGULATION—A North Carolina statute provided that railroads should receive freight for shipment whenever tendered at a regular station, and forward the same over the route selected by the person offering it for shipment; under a penalty of fifty dollars a day for refusal, in addition to all damages incurred. Plaintiff offered goods to defendant's agent within the state, for shipment to a point outside the state, and demanded a bill of lading reading to the latter point. The agent refused the shipment on the ground that no schedule of rates had been filed and published for that route and notified the officer in charge of such matters. Five days later a rate to the destination was arranged between defendant and the connecting lines, filed and published, and the defendant's agent received the goods and issued a bill of lading as requested. Plaintiff brought this action under the statute for the amount of the penalty and damages. *Held,* (reversing the judgment of the state supreme court) that the statute was an attempt to regulate interstate commerce in a field in which Congress had already taken control by the provisions of the Interstate Commerce Act providing that no railroad shall receive freight or passengers for transportation unless the rates for the same have been filed and published. *Southern Ry. Co.* v. *Reid,* (1912) 32 Sup. Ct. 140.

It is well settled that in the absence of action by Congress, a state may enact laws which affect interstate commerce. *Cooley* v. *Board of Wardens of the Port of Philadelphia,* 12 How. 299; *Asbell* v. *State of Kansas,* 209 U. S. 251; *Lake Shore etc Ry. Co.* v. *Ohio,* 173 U. S. 285; *Missouri Pacific Ry.* v. *Larabee* Mills, 211 U. S. 612. *McNeill* v. *Southern Ry.* Co. 202 U. S. 543. But where such law conflicts with a law of Congress, it must yield. *Gulf, Colorado, and Santa Fe Ry.* v. *Hefley,* 158 U. S. 98; *McNaill* v *Southern Ry. Co.* 202 U. S. 543. *Houston & Texas Central Ry. Co.* v. *Mayes,* 201 U. S. 321. Two cases similar to the principal case but involving statutes dealing with interstate

shipments after arrival at the destination, have recently been decided in accord in state courts. *St. Louis & San Francisco Ry.* v. *State et al.*, 26 Okla. 62; *State ex rel Railroad Commission of Indiana,* v. *Adams Express Co.*, 171 Ind. 138.

CONSTITUTIONAL LAW—RESTRICTIVE LABOR LAWS FOR WOMEN.—A Washington statute prohibited the employment of females in mechanical or mercantile establishments, laundries, restaurants or hotels for more than eight hours a day. Defendant, superintendent of a paper box factory, was arrested, tried, convicted and fined under an information charging her with employing a female nine hours in one day. Defendant appealed. *Held,* that the statute does not violate the fourteenth amendment to the United States constitution, or constitution of Washington, Art 1, Sec. 3, as depriving employers and employees of property without due process of law. *State* v. *Somerville* (Wash. 1912) 122 Pac. 324.

Freedom of contract is a property right under the fourteenth amendment, *Allgeyer* v. *Louisiana,* 165 U. S. 578. But limitation upon this freedom is a valid exercise of the police power when the circumstances under which labor is performed, *Holden* v. *Hardy,* 169 U. S. 366, or the condition of the persons engaged in it, *Muller* v. *Oregon,* 208 U. S. 412, 28 Sup. Ct. 324, require it. The principal case is a further affirmance of the constitutional right of a state to legislate for women in a way that is not yet held valid in the case of men. *Lochner* v. *New York,* 198 U. S. 45, 25 Sup. Ct. 539; *Muller* v. *Oregon, supra; Commonwealth* v. *Hamilton Mfg. Co.,* 120 Mass. 383. When the matter is a proper subject for legislative control the wisdom of particular legislation is a proper question for the legislature, not for the court. *Ah Lim* v. *Territory,* 1 Wash. 156; *State* v. *Buchanan,* 29 Wash. 602; *Cantwell* v. *State of Missouri,* 199 U. S. 602, 26 Sup. Ct. 749. Compare SEAGER on *The Attitude of American Courts Toward Restrictive Labor Legislation,* 19 POL. SCI. QUAR. 589. It is interesting to note that, while in *Ritchie & Co.* v. *Wayman,* 244 Ill. 509, the court in sustaining a similar ten hour law hinted that an eight hour restriction would be an unreasonable exercise of the police power; on the other hand the Washington court here takes judicial knowledge of the fact that in many industries eight hours is, even for men, a day's work by contract or by law. *Holden* v. *Hardy, supra.* Just as in the *Muller* and *Ritchie* cases the courts recognized the high tension in the kinds of employment mentioned; so here the court (CHADWICK, J. dissenting as to this point) sustained an exception in the statute in favor of the vegetable- fruit- and fish-packing industries, on the ground that as they afford merely temporary employment women working in them do not require the same protection as where employment lasts throughout the year. It is submitted that the Washington court here acted wisely in refusing to hold the statute a violation of the fourteenth amendment, thus leaving the way open for the case to be taken to the United States Supreme court on a writ of error if desired. § 237 Judiciary Act 1911. For further discussion see GOODNOW, *"Social Reform and the Constitution,"* pages 244-250; 8 MICH. L. REV. 499; 9 MICH. L. REV. 434; 10 MICH. L. REV. 492, 574.